THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND

THE HON'BLE MR JUSTICE M.E.N.PATRUDU

WVMP.No. 3436 of 2005 in W.P. No: 23028 of 2005

AND

WVMP.No. 3440 of 2005 in W.P.No.23268 of 2005

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COMMON ORDER:- (PER THE HONOURABLE JC,J)

These two writ petitions arise out of the orders of the Administrative Tribunal in O.A.Nos.5854 and 6096 of 2005, dated 06.10.2005, by which the Tribunal declined to grant any interim order in favour of the applicants and directed the main applications to be posted for hearing.

The background of these O.As. is that the State of A.P. issued Ordinance No.12 of 2005, which now is Act 27 of 2005. The substance of the said ordinance is that it abolished the existing cadres of teachers working either in various local bodies or in the service of State of A.P. earlier governed by the Andhra Pradesh Educational Subordinate Service Rules. The ordinance purports to create a new cadre, which is said to be an amalgam of the abovementioned abolished cadres. The composition, structure and all other allied matters with reference to such newly created cadre are required to be decided by the Government by Rules to be framed and the power delegated by the abovementioned Act.

The Ordinance is a sequel to an earlier Division Bench Judgment of this Court reported in ***M. KESAVULU & OTHERS v. STATE OF ANDHRA PRADESH & OTHERS***. The correctness of the said decision is pending consideration before the Supreme Court. In the meanwhile, in an attempt to get over the situation created by the said judgment, the State of Andhra Pradesh came out with the abovementioned

Act.

The legality of the Ordinance and the Rules made thereunder were challenged in pending consideration before the Andhra Pradesh Administrative Tribunal in various original applications, the details of which are not necessary for the present.

Aggrieved by the decision of the Tribunal not to grant interim directions in favour of the writ petitioners herein, these writ petitions are filed. The substance of the writ petitions is that there are various lacunae in the Rules framed. The Rules are irrational and arbitrary, the details of which we are not inclined to go into as any observation made at this stage would have a bearing on the outcome of the various O.As., pending in the Tribunal.

On an examination of the issue, this Court thought it fit to grant an interim order in these two writ petitions on 20.11.2005 as prayed for. Hence, the present vacate petitions.

The learned Advocate General represented that in view of the interim orders passed by this Court, the entire process of promotions and consequently the postings to the various schools of teachers is stalled, thereby jeopardizing the interest of the student community. He further submitted that almost all the original applications where the legality of the Ordinance and the Rules is in question, are now heard finally and reserved for judgment except the two O.As., from out of which these writ petitions arise. Learned Advocate General, therefore, submitted that the interim orders granted earlier by this Court be vacated. obliterate

Heard Sri Surender Rao, the learned counsel for the petitioners.

In the background of the abovementioned facts, we are of the opinion that the interim orders granted earlier by this Court are required to be modified directing the respondents to protect the status of the petitioners as was available to them before

the abolition of the cadres by the Act, pending a final decision in the O.As., and also consider their cases for promotion, if any, in accordance with law as and when the respondents undertake such an exercise. We also deem it appropriate that the O.As., from out of which these writ petitions arise, are also required to be disposed of expeditiously, preferably, within a period of three weeks from today and the Tribunal is directed accordingly.

Accordingly, both the WVMPs and the writ petitions are disposed of. No order as to costs.

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J.CHELAMESWAR, J

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M.E.N.PATRUDU, J

Date: 02.03.2006

Note:- Issue CC by tomorrow.

B/o.

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